

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

**URIEL ALVAREZ and
JESUS GARCIA-APALONIA,**

Defendants.

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8:09CR191

ORDER

This matter is before the court on the motion for an extension of time by defendant Jesus Garcia-Apalonia (Garcia-Apalonia) (Filing No. 26). Garcia-Apalonia seeks an extension of one week in which to file pretrial motions in accordance with the progression order. Garcia-Apalonia's counsel represents that government's counsel has no objection to the motion. Upon consideration, the motion will be granted.

IT IS ORDERED:

Defendant Garcia-Apalonia's motion for an extension of time (Filing No. 26) is granted. Garcia-Apalonia is given until **on or before July 31, 2009**, in which to file pretrial motions pursuant to the progression order. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **July 21, 2009 and July 31, 2009**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason defendant's counsel requires additional time to adequately prepare the case, taking into consideration due diligence of counsel, and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

DATED this 21st day of July, 2009.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge